

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>WILLIAM R. HENDRIX and</b>	)	
<b>PATRICIA B. HENDRIX,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No.</b>
	)	
<b>MAGNOLIA AUTO SALES, LLC and</b>	)	
<b>BERNARD R. RYDZEWSKI, JR.,</b>	)	
	)	<b>JURY TRIAL DEMANDED</b>
<b>Defendants.</b>	)	
	)	

**COMPLAINT**

**Jurisdiction and Venue**

Jurisdiction of this action in this Honorable Court is pursuant to 28 U.S.C. sec. 1332(a)(2). Plaintiffs and all Defendants are residents and citizens of different states. Plaintiffs' claims exceed \$75,000.00 in value. The crash in issue occurred in Missouri.

**COUNT I**

NOW COMES the Plaintiff, William R. Hendrix, by and through his undersigned attorneys, and in support of his cause of action against the defendants, Magnolia Auto Sales, LLC ("Magnolia"), and Bernard R. Rydzewski, Jr., ("BRR"), states as follows:

1. That at all times relevant hereto the Plaintiff was a resident and citizen of Nevada. The defendant, BRR, is a resident and citizen of South Carolina. The crash in issue occurred within the territorial limits of this court in the City of Foristell in St. Charles County, Missouri, at the Travel Centers truck stop.
2. That the defendant, Magnolia, is a South Carolina corporation with its principal place of business in South Carolina.

3. That on or about December 6, 2018, the Plaintiff was in his truck at the aforesaid Travel Centers of America truck stop. Plaintiff's truck was parked.

4. That at the aforesaid time and place the defendant, BRR, was operating a motor vehicle in the aforesaid parking lot to the rear of Plaintiff's vehicle. BRR was operating that vehicle as an employee of Magnolia and in the scope of his employment relationship by Magnolia.

5. That based upon the above, Defendant BRR owed a duty of care to Plaintiff to operate the motor vehicle with due regard for the safety of Plaintiff and others similarly situated.

6. That in violation of the aforesaid duty, Defendant, BRR, committed one or more of the following negligent acts or omissions:

- a) failed to yield the right of way to Plaintiff's vehicle in violation of RSMo § 304.351
- b) failed to keep a proper lookout;
- c) drove his vehicle in a reckless manner;
- d) drove his vehicle at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property in violation of RSMo § 304.012;
- e) failed to sound an audible horn warning prior to impact in violation of RSMO § 300.410;
- f) failed to reduce speed to avoid colliding with Plaintiff's vehicle in violation of RSMo § 304.012;

7. That BRR collided with the rear of the vehicle of William Hendrix.

8. That the above occurred as a direct and proximate result of the failure and breach by Defendant, BRR.

9. That as a further direct and proximate result of the aforesaid, Plaintiff has sustained severe and permanent injuries to his body, has incurred medical bills and shall continue to incur medical bills for his treatment, has lost income, wages and benefits and may continue to lose income, wages and benefits from his employment, has suffered downtime and damage to his property, has suffered impairment which may be permanent in nature and has experienced great pain and suffering which is likely to continue into the future.

WHEREFORE the Plaintiff prays for a Judgment in his favor for an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) and for costs of this action.

**PLAINTIFF PRAYS FOR TRIAL BY JURY**

**COUNT II**

NOW COMES the Plaintiff, Patricia B. Hendrix, by and through her undersigned attorneys, and in support of her cause of action against the defendants, Magnolia Auto Sales, LLC (“Magnolia”), and Bernard R. Rydzewski, Jr., (“BRR”), states as follows:

1. That at all times relevant hereto the Plaintiff was a resident and citizen of Nevada. The defendant, BRR, is a resident and citizen of South Carolina. The crash in issue occurred within the territorial limits of this court in the City of Foristell in St. Charles County, Missouri, at the Travel Centers of America truck stop.

2. That the defendant, Magnolia, is a South Carolina corporation with its principal place of business in South Carolina.

3. That on or about December 6, 2018, the Plaintiff was in his truck at the aforesaid Travel Centers of America truck stop. Plaintiff’s truck was parked.

4. That at the foresaid time and place the defendant, BRR, was operating a motor vehicle in the aforesaid parking lot to the rear of Plaintiff’s vehicle. BRR was operating that

vehicle as an employee of Magnolia and in the scope of his employment relationship by Magnolia.

5. That based upon the above, Defendant BRR, owed a duty of care to Plaintiff to operate the motor vehicle with due regard for the safety of Plaintiff and others similarly situated.

6. That in violation of the aforesaid duty, Defendant, BRR, committed one or more of the following negligent acts or omissions:

- a) failed to yield the right of way to Plaintiff's vehicle in violation of RSMo § 304.351
- b) failed to keep a proper lookout;
- c) drove his vehicle in a reckless manner;
- d) drove his vehicle at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property in violation of RSMo § 304.012;
- e) failed to sound an audible horn warning prior to impact in violation of RSMO § 300.410;
- f) failed to reduce speed to avoid colliding with Plaintiff's vehicle in violation of RSMo § 304.012;

7. That BRR collided with the rear of the vehicle of William Hendrix.

8. That the above occurred as a direct and proximate result of the failure and breach by Defendant, BRR.

9. That as a further direct and proximate result of the aforesaid, Plaintiff has sustained severe and permanent injuries to his body, has incurred medical bills and shall continue to incur medical bills for his treatment, has lost income, wages and benefits and may continue to lose income, wages and benefits from his employment, has suffered downtime and damage to his

property, has suffered impairment which may be permanent in nature and has experienced great pain and suffering which is likely to continue into the future.

10. That at all times relevant hereto Patricia B. Hendrix was the spouse of and was dependent upon William R. Hendrix for her support and services.

11. That as a direct and proximate result of the aforesaid, Plaintiff has been deprived, in whole or in part, of the support and services of her husband.

WHEREFORE the Plaintiff prays for a Judgment in her favor for an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) and for costs of this action.

**PLAINTIFF PRAYS FOR TRIAL BY JURY**

Respectfully Submitted,

**WENDLER LAW, P.C.**

By: /s/ Brian M. Wendler

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